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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (roster)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 July 1991]

1. We are compelled to raise the situation in Tibet. There is reliable evidence that the Tibetan people, who have borne alien domination for more than 40 years, continue to suffer a systematic pattern of gross human rights abuses. These reported abuses pertain to collective and individual rights; permeate virtually every aspect of daily life; and touch Tibetan men, women and children alike.

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2. The key human rights issue in Tibet today is deprivation of the Tibetan people's right to self-determination. The United Nations has long recognized the right of peoples to "freely determine, without external interference, their political status and freely pursue their economic, social and cultural development" (Resolution 2625 (XXV)). This collective right is deemed a "prerequisite to the full enjoyment of all fundamental rights" (General Assembly resolution 637 A (VII)). The right to self-determination of the Tibetan people is recognized in General Assembly resolution 1723 (XVI).

3. Yet there is persistent evidence that Tibetans are denied this fundamental right. The gravest illustration of this denial is what some reports characterize as a deliberate policy of population transfer. Since occupying Tibet in 1949-1950, the People's Republic of China is reported to have imposed its own political and economic system on Tibetans. According to some reports, the People's Republic of China is furthering this goal through the transfer of Chinese into Tibetan territory. Both Tibetans and outside observers have voiced alarm at the imminent prospect that Tibetans will become a minority in their own country. Further, there is credible evidence that the arrival of large numbers of Chinese settlers and troops has produced Tibetan "ghettoes" in the principal cities, resulting in inflation and unemployment for Tibetans. This population transfer is reported to have resulted in a de facto system of discrimination in housing, education and health care (See Asia Watch, Human Rights in Tibet (February 1988); ..., Merciless Repression: Human Rights in Tibet (May 1990)).

4. Denial of Tibetans' right to self-determination is demonstrated by numerous human rights abuses. Tibetans are systematically denied the right of peaceful expression guaranteed by article 19 of the Universal Declaration of Human Rights (UDHR). There are persistent, credible reports that Tibetans are being arbitrarily detained, tortured in custody, and even executed for peaceful protest against the People's Republic of China's occupation of Tibet, in violation of articles 9, 5, and 3 of the Universal Declaration of Human Rights (Asia Watch, Evading Scrutiny: Violations of Human Rights After the Closing of Tibet (July 1988); ..., Merciless Repression (May 1990); Physicians for Human Rights, The Suppression of a People; Accounts of Torture and Imprisonment in Tibet (November 1989); Amnesty International, People's Republic of China: Torture and Ill-treatment in Detention of Tibetans (February 1989, ASA 17/04/89)). For example, in spring of 1989 Tseten Norgye was reported to have been arrested in Lhasa after police searched his house and found a mimeograph machine allegedly used to print literature advocating independence (Amnesty International Urgent Action (2 November 1989, ASA 17/96/89)). Yulu Dawa Tsering was reportedly arrested in late 1987 or early 1988 for discussing Tibetan independence and criticizing Chinese policies (International Alert, Tibet in China (London August 1988)). It has been reported that Ngawang Phhulchung was imprisoned for "counter-revolutionary activities" which included, in part, translation of the Universal Declaration of Human Rights into Tibetan (Lawasia and Tibet Information Network, Defying the Dragon (March 1991)).

5. There is evidence that Tibetans are denied freedom of peaceful assembly, which is guaranteed by article 20 of the Universal Declaration of Human Rights. The Venerable Thupten Tsering was reportedly arrested by security officers for associating with his brother, who was visiting from abroad with

an Italian friend (International Alert, Tibet in China (London August 1988)). There is reliable evidence that in May 1991 three monks were detained after shouting pro-independence slogans in Lhasa (Tibet Information Network, "Attempted Protest in Lhasa" (18 May 1991)). There have been reports of excessive force by Chinese security forces on groups of Tibetans assembled peacefully to demonstrate for independence. A former Chinese government journalist has claimed that the Beijing Government encouraged security forces in Lhasa to shoot demonstrators in March 1989 (The Observer, "The secret massacre" (12 August 1990)). Eyewitnesses claim that in May 1991 a Tibetan monk was fatally stabbed by a policeman during a pro-independence demonstration (Kyodo News Service, "Asian News: Anti-Chinese Demonstrations Reported in Lhasa" (4 June 1991)).

6. There is credible evidence that Tibetans are routinely denied freedom of exercise of religion, a right guaranteed by article 18 of the Universal Declaration of Human Rights. It is reported that virtually all of Tibet's religious infrastructure has been destroyed during the People's Republic of China's occupation of Tibet, but only a limited number of temples and monasteries have been rebuilt. There is evidence that the People's Republic of China controls religious practice in Tibet, from the induction of new monks and nuns, to political supervision of monasteries through monitors and informers, to restriction of the reconstruction of religious buildings (International Campaign for Tibet, Forbidden Freedoms: Beijing's Control of Religion in Tibet (September 1990); Lawasia and Tibet Information Network, Defying the Dragon (March 1991); Asia Watch, Merciless Repression (May 1990)). Claims of religious repression and the arrest and ill-treatment of monks and nuns have been set forth in the Report of Special Rapporteur Mr. Angelo Vidal d'Almeida Ribero (E/CN.4/1990/46)).

7. Beginning in 1987 there have been increasing reports alleging a pattern of deliberate torture of political prisoners, in violation of Universal Declaration of Human Rights article 5 and the People's Republic of China's obligations under the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment. These have included reports of torture by electric shock, by hanging and by immersion in freezing water, as well as reports of sexual abuse of nuns and lay women (Report of Special Rapporteur Mr. P. Kooijmans (E/CN.4/1990/17); Physicians for Human Rights, The Suppression of a People (November 1989); Amnesty International, Torture and Ill-Treatment, Special Report (London 1989); Lawasia and Tibet Information Network, Defying the Dragon (March 1991); S.O.S. Torture, "Torture Commonplace in Tibet's Prisons" (August/September 1989)).

8. There are persistent, reliable reports of summary executions and deaths from torture, in violation of Universal Declaration of Human Rights articles 3 and 5, and article 6 of the International Covenant on Civil and Political Rights (Reports of Special Rapporteur Mr. S. Amos Wako (E/CN.4/1989/25 and E/CN.4/1990/22); Amnesty International, "Torture and Ill-Treatment", Special Report (London 1989)). It has been reported that Tibetans Yeshi and Tenpa Choephel died in 1989 from mistreatment while in custody (Tibet Information Network, "Death from prison injuries" 24 and 25 August 1990)). It has been claimed that in December 1990, 20-year-old Lhakpa Tsering was beaten to death after being imprisoned for putting up pro-independence posters (Tibet Information Network, "Prison Death: Evidence of Abuse" (4 March 1991)).

9. There is reliable evidence that human rights abuses in Tibet reach across all levels of Tibetan society, and touch even children. Since late 1989 Radio Lhasa has reported the arrest and sentencing of Tibetan children for pro-independence activities (Asia Watch, Merciless Repression (May 1990); Amnesty International, "One Year Under Martial Law" (March 1990, ASA 17/10/90)). It has been reported that Lhakpa Tsering, a 14-year-old boy, was sentenced to two years' imprisonment for making pro-independence leaflets at his school (Tibet Information Network, "14-Year-Old Gets 2 Yrs in Prison" (15 November 1990)).

10. There is evidence that Tibetan human rights monitors face punishment for their monitoring activities. It has been reported that in September 1989, Tibetan Ngodup was sentenced to 11 years' imprisonment and 4 years' deprivation of political rights for collecting what appears to be basic human rights data (Lawasia and Tibet Information Network, Defying the Dragon (March 1991)).

11. There are reports that the People's Republic of China is exploiting and exporting the natural resources of Tibet without popular participation in Government decision-making, in violation of the internationally recognized rights to life and health.

Conclusion

12. The question of Tibet has been brought before the Sub-Commission repeatedly, both in the 1960s and more recently. In light of the apparently accelerating pattern of serious human rights violations, it is urgent that the Sub-Commission act now. Human Rights Advocates respectfully suggests that the best course is for the Sub-Commission to appoint a Special Rapporteur to study and report accurately the situation in Tibet.